



STATE OF MICHIGAN
BEFORE THE JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

HON. DAVID MARTIN BRADFIELD
Judge, 36th District Court
Detroit, MI 48226

FORMAL COMPLAINT NO. 79

JUDGE DAVID MARTIN BRADFIELD'S ANSWER TO COMPLAINT

NOW COMES the Honorable David Martin Bradfield, District Court Judge, 36th District Court, Detroit, Michigan and pursuant to MCR 9.209(B) provides answer to the complaint filed by the Judicial Tenure Commission:

1. Judge Bradfield admits the allegations contained therein.

COUNT I

2. Judge Bradfield admits the allegations contained therein.
3. Paragraph 3 in the form and manner alleged is denied. Judge Bradfield was not able park his vehicle because Mr. Adams was in the only available space on either side of Madison. It was not until after Mr. Adams moved his vehicle, apparently at the request of a Detroit Police Officer, that Judge Bradfield was able to park his vehicle.
4. Judge Bradfield admits the allegations contained therein and in further answer states that vehicles were parked in every available space on both sides of Madison.
5. Paragraph 5 in the form and manner alleged is denied. Judge Bradfield pulled his vehicle next to Mr. Adams' vehicle and asked Mr. Adams to move his vehicle. Judge Bradfield did not know Mr. Adams and did not know that Mr.

Adams was outside the courtroom waiting for his wife, Judge Deborah Ross Adams. Mr. Adams never identified himself or provided Judge Bradfield with a reason he was waiting outside the courthouse or a reason he was attempting to enter the courthouse through the security door.

6. Paragraph 6 in the form alleged is neither admitted nor denied for lack of sufficient information. Officer Gray, upon information and belief, had the responsibility of providing security to the building and may also had some responsibility as it relates to making sure that the area outside the courthouse remained open for parking by appropriate court personnel. Judge Bradfield does not know whether or not Mr. Adams was sitting in his car with the permission of Officer Gray.
7. Paragraph 7 in the form and manner alleged is denied for the reason that same is untrue. Judge Bradfield did pull up next to Mr. Adams' vehicle and did ask Mr. Adams to move his vehicle. He did not shout or yell. Judge Bradfield explained to Mr. Adams that Mr. Adams was not permitted to park where he was parked; that the area was reserved for Judges.
8. Paragraph 8 in the form and manner alleged is denied for the reason that same is untrue. The statement(s) did not occur as set forth. Regretfully, Judge Bradfield did use improper language. Judge Bradfield, in response to Mr. Adams' statement: "we know who you are "mother f-----" also used the "MF" word. Judge Bradfield, although not excusing his conduct, was provoked by the comments directed to him by Mr. Adams.
9. Judge Bradfield admits the allegations contained therein.

10. Paragraph 10 is neither admitted or denied for lack of sufficient information. Judge Bradfield does not know what, if anything, Officer Gray observed. Officer Gray apparently did ask or direct Mr. Adams to move his vehicle.
11. In answer to paragraph 11, Mr. Adams pulled his vehicle approximately 3 feet forward and Judge Bradfield assumes that that movement was made at the request of Officer Gray. To the extent paragraph 11 states otherwise, Judge Bradfield denies same for the reason that same is untrue.
12. Paragraph 12 is denied for the reason that same is untrue.
13. Mr. Adams pulled forward after a space opened. It is not known whether the move was made to provide space for Judge Bradfield to park his car.
14. In answer to paragraph 14, Judge Bradfield neither admits nor denies the allegations contained therein. Judge Bradfield did not know DiAnn Webb. He knew only that Mr. Adams was walking towards the security door and he also knew that no one was permitted to enter through the Judge's door, unless escorted by one of the 36th District Judges. *See Exhibit A – copy of email directed to all 36th District Court Judges by 36th District Court Chief Judge Marilyn E. Atkins.*
15. In answer to paragraph 15, Judge Bradfield admits the allegation contained therein and in further answer references, as if set forth herein, word by word, his answer to paragraph 14 of this complaint.
16. Paragraph 16 in the form and manner alleged is denied for the reason that same is untrue. Judge Bradfield after exiting his vehicle and after observing Mr.

Adams walking towards the entrance of the courthouse, did walk up to the court at a fast pace, he did not “rush[ed] up” and/or “grab[ed]” Mr. Adams’ shoulder.

17. In answer to paragraph 17, Judge Bradfield did raise his voice and did tell Mr. Adams that Mr. Adams should not be entering the courthouse because it was in an area reserved for Judges. Judge Bradfield did and does have a concern regarding the security offered to Judges, a concern that has been expressed from many other 36th District Court judges. *See Exhibit B – exchanged an email between such Judges.*
18. Paragraph 18 in the form and manner alleged is denied for the reason that same is untrue. Judge Bradfield acknowledges using words which responded in kind to Mr. Adams’ statement [indicating that Judge Bradfield] could be “as street as you are MF”.
19. Paragraph 19 is neither admitted nor denied. Judge Bradfield acknowledges that he poked his finger at Mr. Adams and may have inadvertently touched him.
20. In answer to paragraph 20, Judge Bradfield acknowledges that he told Ms. Webb that she should not be bringing a person in through the judges’ entrance. To the extent paragraph 20 states otherwise, Judge Bradfield denies same for the reason that same is untrue.
21. In answer to paragraph 21, Judge Bradfield neither admits nor denies the allegations for lack of sufficient information leaving the Commission to their proofs therein.
22. Judge Bradfield admits the allegations contained therein.
23. Judge Bradfield admits the allegations contained therein.

24. In answer to paragraph 24, Judge Bradfield admits to having a discussion with Mr. Adams and Judge Adams. To the extent paragraph 24 alleges otherwise, Judge Bradfield denies same for the reason it is untrue.
25. Judge Bradfield neither admits nor denies the allegations in paragraph 25.
26. Paragraph 26 in the form and manner alleged is denied for the reason that same is untrue. Judge Adams loudly confronted Judge Bradfield and basically accused him of “interfering” in her relationship with her husband. Judge Adams also said that Mr. Adams “doesn’t need to tell you who he is”. Judge Adams’ manner and tone provoked Judge Bradfield to act in kind.
27. Paragraph 27 is denied for the reason that same is untrue.
28. In answer to paragraph 28, Judge Bradfield denies the allegations because they are untrue. Judge Bradfield asked Judge Adams several times to inquire of her husband “ask him what he said to me”.
29. Paragraph 29 in the form and manner alleged is denied for the reason that same is untrue. Mr. Adams said something to the effect that Judge Bradfield should take a pill and/or that he, Mr. Adams should have hit Judge Bradfield.
30. Paragraph 30 in the form and manner alleged is denied for the reason that same is untrue. Judge Bradfield continued to state “I can be as street as you are”. He was not and did not try to suggest to Mr. Adams that they should engage in a fight.
31. Paragraph 31 is denied for the reason that same is untrue.
32. Judge Bradfield admits the allegations contained therein.

33. To the extent paragraph 33 references the entirety of Judge Bradfield's confrontation with Mr. Adams, the allegation is denied for the reason that same is untrue. Mr. Adams used expletives when he parked his vehicle and when he first encountered Judge Bradfield. Mr. Adams did not raise his voice and did not use off color language while standing at the entrance to the courthouse. In further answer, Judge Bradfield neither admits nor denies whether Mr. Adams "threatened violence" but Mr. Adams did state that he, Adams, should have hit him, referring to Judge Bradfield.
34. Paragraph 34 is denied for the reason it is untrue. Judge Adams raised her voice and was confrontational.
35. Paragraph 35 is neither admitted nor denied for lack of sufficient information. In further answer, Judge Bradfield, Judge Adams and Mr. Adams did attend a meeting at Judge Atkins' office.
36. Judge Bradfield admits the allegations contained therein.
37. Paragraph 37 of the complaint in the form and manner alleged is denied for the reason that same is untrue. In further answer, Judge Bradfield and Judge Adams were speaking loudly. The meeting ended on a cordial note with Judge Bradfield and Mr. Adams shaking hands.
38. Paragraph 38 in the form and manner alleged is denied for the reason that same is untrue. Judge Atkins asked Judge Bradfield who he thought Mr. Adams might be and in response, Judge Bradfield said he did not know but he could be "a well dressed thug".

39. Paragraph 39 is neither admitted nor denied for lack of sufficient information. It is possible that a like statement was made but if it was made, it was made in response to a question asked of him by Judge Atkins. Judge Bradfield did not know the reason that Mr. Adams was parked where he was parked and did not know the reason Mr. Adams was attempting to go into to the courthouse through the security door. If Mr. Adams would have identified himself and indicated the reason he was parked where he was parked and/or the reason he was trying to enter into the courthouse, the incident would have never have occurred.
40. Paragraph 40 cannot be answered in the form and manner in which it is alleged. Mr. Adams did swear at Judge Bradfield and did act in a belligerent manner at least by his speech. Judge Bradfield told Judge Atkins that Mr. Adams swore at him. To the extent paragraph 40 alleges that Mr. Adams did not swear at him, this statement is denied as being untrue.
41. Judge Bradfield admits the allegations contained therein. It was the job of the Detroit Police Department and others to provide security to the courthouse and to secure the area, but at the time the incident occurred, the security issues were confused.

COUNT II

42. In answer to paragraph 42, Judge Bradfield neither admits nor denies the allegations for lack of sufficient information leaving Commission to their proofs therein.
43. Paragraph 43 is denied for the reason that same is untrue
44. Paragraph 44 is denied for the reason that same is untrue

45. Paragraph 45 is denied for the reason that same is untrue
46. Paragraph 46 is denied for the reason that same is untrue
47. To the extent paragraph 47 alleges that the attendant produced a document to Judge Bradfield, that allegation is denied as being untrue as Judge Bradfield is without information regarding the incident.
48. Paragraph 48 is denied for the reason that same is untrue
49. Paragraph 49 is denied for the reason that same is untrue. In further answer the allegations set forth in paragraphs 43-49, if such an incident occurred it did not involve Judge Bradfield. 36th District Court Administrator, David Otis, will upon information and belief testify that a parking attendant told him that an individual claiming to be a judge had exited the parking structure quickly after being denied the opportunity to park in a space. Assuming such an incident occurred and assuming the person driving the car was a judge, that judge was not Judge Bradfield.
50. (a) In the form and manner alleged, denied. Judge Bradfield acted inappropriately but his actions did not occur by reason of his "office".
- (b) Judge Bradfield admits the allegations contained therein.
- (c) In answer to paragraph (c), Judge Bradfield is aware that the judicial system is for the benefit of the litigants and the public. Nothing about the incident reflected a failure by Judge Bradfield of being unaware of his position vis a vis' litigants and the public.
- (d) In answer to paragraph (d), Judge Bradfield admits that his conduct was improper, and that his conduct could have eroded public confidence in

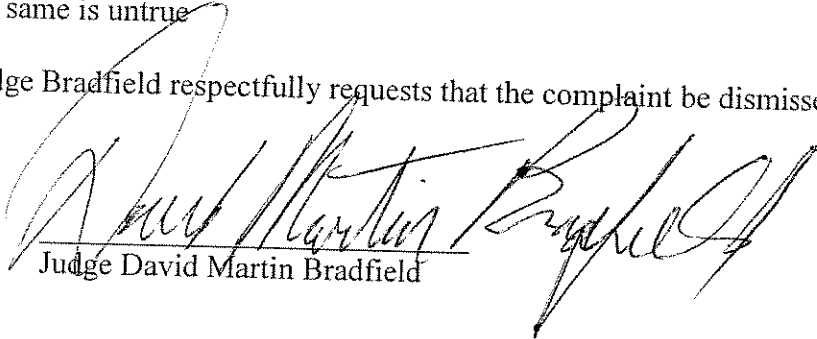
the judiciary. To the extent paragraph 50(b) alleges otherwise, Judge Bradfield denies same for the reason that same is untrue.


- (e) In answer to paragraph 50(e), Judge Bradfield admits that the incident was reported by the news media and that the incident could have created the appearance of impropriety. To the extent paragraph 50(e) states otherwise, Judge Bradfield neither admits nor denies the allegation for lack of sufficient information.
- (f) In answer to 50(f) denied for the reason that same is untrue. Judge Bradfield's actions or remarks did not reflect a failure by him to respect or observe the law.
- (g) Paragraph 50(g) in the form and manner alleged is denied for the reason that same is untrue. Judge Bradfield was not patient and his conduct was not dignified or courteous, but his actions did not occur while presiding from the bench. Therefore Judge Bradfield's conduct did not expose the legal profession to contempt or censure although it did expose Judge Bradfield's "humanity".
- (h) Paragraph 50(h) in the form and manner alleged is denied for the reason that same is untrue. Judge Bradfield was not patient, his conduct was not dignified or courteous, but his actions did not occur while presiding from the bench and therefore Judge Bradfield's conduct did not expose the legal profession to contempt or censure.


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- (i) Paragraph 50(i) in the form and manner alleged is denied for the reason that same is untrue. Judge Bradfield's conduct was not contrary to ethics, honesty or good morals.
- (j) Paragraph 50(j) in the form and manner alleged is denied for the reason that same is untrue

WHEREFORE Judge Bradfield respectfully requests that the complaint be dismissed.


Judge David Martin Bradfield

Sworn to and subscribed
To me this 22 day of June, 2005

Notary Public
My Commission Expires: 8/2006

COLLINS, EINHORN, FARRELL & ULANOFF, P.C.
BY: 
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Bradfield, David Martin

From: Atkins, Marylin E.
Sent: Thursday, March 17, 2005 9:29 AM
To: Anderson, Charles W., III; Barthwell, Sidney; Baylor, Margaret E.; Costello, Robert K.; Lockhart, Steve; McDuffee, Renee; Shannon, Thomas J.; Adams, Deborah Ross, Judge; Adams, Lydia Nance; Archer, Trudy DunCombe; Atkins, Marylin E.; Baltimore, Joseph N.; Blount, Nancy M.; Bradfield, David Martin; Bradley, Vanesa Jones; Bright, Izetta; Coleman, Donald; Doss, Theresa; Farmer, Nancy A.; Ford, Bledsoe Geraldine; Garrett, Ruth Ann; Gray, Jimmylee; Hansen, Katherine; Hayes-Sipes, Beverly; Humphries, Paula G.; Jefferson, Patricia L.; Langston, Deborah Lewis; Lipscomb, Willie G. Jr.; Lloyd, Leonia J.; Martin-Clark, Miriam B.; Milhouse, Donna; Millender, B. Pennie; O'Banner-Owens, Jeanette; Randon, Mark; Robbins, Kevin; Robinson, David; Royster, C. Lorene; Serra, Rudy; Wallace, Ted
Cc: Lipscomb, Willie G. Jr.; Davis, J. Otis
Subject: Court Security Meeting

Dear Colleagues: An update on the meeting that Mr. Davis and I had with DPD and Wackenhut Security. We reviewed and discussed our entire security plans and made a few changes which I will let you know about at the bench meeting next Wednesday. Don't forget that the Mayor will be joining us. Security has asked us to do a few things that will help them keep us safe : (1)Do not cover up the window to the courtroom door. If there is a disturbance and security is called, they need to see through the window to see what is going on;(2) keep the courtroom door closed;(3) if you are going to have a visitor to the court coming through the judges door, you must go down and bring them up yourself. Do not send a member of your staff. If you do not come down, the person or persons will be directed to the front door to go through the security check; (4)do not wear your robe in the hallway, on the elevator or outside in front of the court.Thanks.

05/12/2005

Bradfield, David Martin

From: Jefferson, Patricia L.
Sent: Monday, March 14, 2005 9:08 AM
To: Robinson, David; Atkins, Marilyn E.; Adams, Deborah Ross, Judge; Adams, Lydia Nance; Anderson, Charles W., III; Archer, Trudy DunCombe; Baltimore, Joseph N.; Barthwell, Sidney; Blount, Nancy M.; Bradfield, David Martin; Bradley, Vanesa Jones; Bright, Izetta; Coleman, Donald; Costello, Robert K.; Farmer, Nancy A.; Ford, Bledsoe Geraldine; Garrett, Ruth Ann; Gray, Jimmylee; Hansen, Katherine; Hayes-Sipes, Beverly; Humphries, Paula G.; Langston, Deborah Lewis; Lipscomb, Willie G. Jr.; Lloyd, Leonia J.; Lockhart, Steve; Martin-Clark, Miriam B.; McDuffee, Renee; Milhouse, Donna; Millender, B. Pennie; O'Banner-Owens, Jeanette; Randon, Mark; Robbins, Kevin; Royster, C. Lorene; Serra, Rudy; Shannon, Thomas J.; Wallace, Ted
Cc: Davis, J. Otis
Subject: RE: JUDICIAL PHYSICAL SECURITY

On the same note. We need better security at the judges door. I came in at 8:50 today only to find no one at the door. The door was open for anyone to enter. Fortunately, the elevator key was not in the door. But anyone could have come in and walked up the stairs from off the street with any kind of weapon. This would have never happened under Officer Coleman's watch and I understand she is not DPD but why do I feel less secure. I think the officers at the door should not just sit and look outside but should see to it that judges get to the door and our cars safely. A bad situation is just waiting to happen.

Pat Jefferson

-----Original Message-----

From: Robinson, David
Sent: Friday, March 11, 2005 3:30 PM
To: Atkins, Marilyn E.; Adams, Deborah Ross, Judge; Adams, Lydia Nance; Anderson, Charles W., III; Archer, Trudy DunCombe; Baltimore, Joseph N.; Barthwell, Sidney; Blount, Nancy M.; Bradfield, David Martin; Bradley, Vanesa Jones; Bright, Izetta; Coleman, Donald; Costello, Robert K.; Farmer, Nancy A.; Ford, Bledsoe Geraldine; Garrett, Ruth Ann; Gray, Jimmylee; Hansen, Katherine; Hayes-Sipes, Beverly; Humphries, Paula G.; Jefferson, Patricia L.; Langston, Deborah Lewis; Lipscomb, Willie G. Jr.; Lloyd, Leonia J.; Lockhart, Steve; Martin-Clark, Miriam B.; McDuffee, Renee; Milhouse, Donna; Millender, B. Pennie; O'Banner-Owens, Jeanette; Randon, Mark; Robbins, Kevin; Royster, C. Lorene; Serra, Rudy; Shannon, Thomas J.; Wallace, Ted
Cc: Davis, J. Otis
Subject: JUDICIAL PHYSICAL SECURITY

Dear Colleagues,

In light of the murders of a federal judge's family in Chicago and today's killing of a state court judge in Atlanta, I think it is time for us to consider some security changes for our Court. We should consider adding Kevlar linings for all court clerk's stations and courtroom Benches. We need to test the panic buttons in all the courtrooms and judicial chambers. We should also revisit our policy about not chaining in-custody defendants who are before us for either felony arraignments or preliminary examinations. We should stop the practice of our security officers allowing someone who accompanies a judge into the building to avoid security screening.

Through our professional organizations, we should also press for some changes in the legislative environment. We should be able to have the home addresses of sitting judges suppressed by the Registrar of Deeds, the Secretary of State and the Bureau of Elections. (How many of us knew that I can find your home address by simply typing your name into Lexis?) The Affidavit of Incumbent seeking re-election

should be revised to eliminate the need for the incumbent to list his/her home address - a simple statement that the incumbent judge still resides in the judicial district to which re-election is being sought should be sufficient.

Since the Mayor is coming to our Bench meeting on March 23, I would like to put two items on the agenda to raise with him. First of all, immediate City funding for the Kevlar linings for our building. Second, each police precinct should have the home addresses of any judges in the precinct on the precinct's watch list.

Thanx.

DSR